

REGULAR MEETING
APRIL 27, 2009
5:30 P.M.

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The Lafayette County Commission met on the above date and hour for a regular scheduled meeting. The meeting was held in the commissioner's meeting room at the Courthouse in Mayo, Florida. The following members were present: Commissioner Lance Lamb, Dist. 1; Commissioner Thomas E. Pridgeon, Dist. 2; Commissioner Donnie Hamlin, Dist. 3; Commissioner Jack Byrd, Dist. 4; Commissioner Earnest Jones, Dist. 5; and Lafayette County Attorney Leenette McMillan.

APPROVE THE MINUTES

On a motion by Mr. Pridgeon and a second by Mr. Byrd, the board voted unanimously to approve the minutes.

POWER OUTAGES AT HOMES ON SUWANNEE RIVER

Mr. Dave Hogue and Mr. Skip Weigel, who live along the Suwannee River in Branford came before the board to give their complaints as to how the situation with Progress Energy turning off power to homes along the river was handled. Both residents said that their power was turned off without advance notice, and requested that the board set up a meeting with representatives of Progress Energy and other homeowners to discuss how the situation should be handled in the future. The board said that a meeting would be scheduled and that Mr. Hogue and Mr. Weigel would be notified as to when it would be.

RED FLAGS RULES POLICY RESOLUTION

On a motion by Mr. Jones and a second by Mr. Byrd, the board voted unanimously to adopt a resolution concerning a Red Flags Rules Policy.

REPEALING ORDINANCE 2009-02

On a motion by Mr. Jones and a second by Mr. Byrd, the board voted unanimously to have Ms. McMillan read proposed Ordinance 2009-04 by title only. The ordinance repeals Ordinance 2009-02. This is a public hearing for the first reading of the proposed Ordinance. The second reading will be May 11, 2009.

AWARD BID FOR C & D CONSTRUCTION DISPOSAL

On a motion by Mr. Byrd and a second by Mr. Lamb, the board voted unanimously to award the bid for C & D construction disposal to Wright Container Services, Inc. after all bids turned in were reviewed.

ORDINANCE 2009-3 SEXUAL OFFENDERS/SEXUAL PREDATORS

On a motion by Mr. Byrd and a second by Mr. Lamb, the board voted unanimously to have Ms. McMillan read Ordinance 2009-3 by title only. On a motion by Mr. Jones and a second by Mr. Lamb, the board voted unanimously to adopt Ordinance 2009-3 in reference to Sexual Offenders and Sexual Predators living in Lafayette County.

APPROVE THE BILLS

On a motion by Mr. Jones and a second by Mr. Pridgeon, the board voted unanimously to approve the following bills, with the exception of the Paul Lamb bill:

General Fund - \$102,051.18

E911 Fund - \$33,982.95

Industrial Park Fund - \$1,470.34

On a motion by Mr. Pridgeon and a second by Mr. Jones, with Mr. Lamb abstaining, the board voted unanimously to approve the Paul Lamb bill in the amount of \$282.00.

REAPPOINT RICKY LYONS TO SREC BOARD OF DIRECTORS

On a motion by Mr. Byrd and a second by Mr. Lamb, the board voted unanimously to reappoint Ricky Lyons to the Suwannee River Economic Council Board of Directors.

SHIP SUBORDINATION AGREEMENT

On a motion by Mr. Byrd and a second by Mr. Jones, the board voted unanimously to approve the attached SHIP Subordination Agreement.

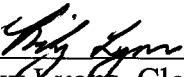
FOURTH MEETING IN MAY

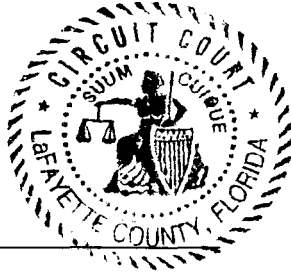
On a motion by Mr. Byrd and a second by Mr. Pridgeon, the board voted unanimously to change the fourth meeting in May from Monday, May 25 to Tuesday, May 26 at 5:30 p.m. as Monday is Memorial Day.

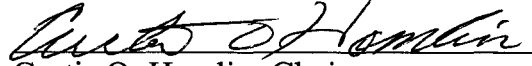
ADJOURN

On a motion by Mr. Jones and a second by Mr. Pridgeon, the board voted unanimously to adjourn.

Attest:


Ricky Lyons, Clerk




Curtis O. Hamlin, Chairman

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Approved this 11th day of May, 2009.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME LAMB, LANCE F.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Lafayette County Board of County Commissioners	
MAILING ADDRESS 509 SW County Road 350		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Mayo	COUNTY Lafayette	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED April 27, 2009		NAME OF POLITICAL SUBDIVISION: Lafayette County, Florida	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

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WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, LANCE F. LAMB, hereby disclose that on 4-27, 2009:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, Paul Lamb _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Invoice payable to Paul Lamb considered and approved by Board

Date Filed

4-27-09

Signature

Lance F. Lamb

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

LAFAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS

RED FLAGS RULES POLICY

TO HELP PREVENT IDENTITY THEFT OF PATIENTS

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I. RECITALS

WHEREAS, the Lafayette County Board of County Commissioners /DBA/ Lafayette County Rescue (hereinafter referred to as the Service) places the protection of the dignity, financial safety and privacy of its patient's as one of the Service's highest priorities, and

WHEREAS, the United States Congress has found that identity theft is a serious national problem that can have tragic consequences for those adversely thereby affected as victims, and...

WHEREAS, in response to duly enacted legislation the Federal Trade Commission has adopted regulations (commonly known as the "Red Flag Regulations") to assist creditor entities to better prevent, detect and ameliorate identity theft;

WHEREFORE, the Service through its Board of County Commissioners by Formal Board Resolution on the 27th Day of April in the year of 2009, adopted the following Policies to prevent, detect, and ameliorate the problem of potential identity theft of its patients.

II. POLICY

A. ADMINISTRATION AND IMPLEMENTATION

1. Administration of the Policy/Program: The Board hereby appoints the Service's Director and billing personnel the responsibility of implementing the Program. The Director shall make at least one annual report to the Board on the status, any problems and the progress on implementation of the Service's identity theft prevention program.

2. Updates and Revision to the Policy and Program: The Service shall update and modify the Policy and the implantation of the Program as circumstances change and methods of identity theft vary or become more sophisticated in nature.

3. Access Control: Only personnel with applicable access codes and login passwords shall be authorized and able to access patient billing information and account information. These access codes and passwords shall be changed from time to time and as needed.

If a "Red Flag" arises that would alert the Director and or the authorized billing personnel of the service that a possible identity theft may have taken place the following options but not exclusively nor necessarily in the alternative so shall be evaluated for appropriate and prompt response thereto: (1) increasing the monitoring of the account; (2) contacting the patient or responsible party; (3) changing access and log in security codes; (4) reopening an existing account with a new account number; (5) not opening a new covered account; (6) closing an existing account; (7) not attempting to collect on a covered account or not selling the account to a debt collector; (8) notifying law enforcement; (9) determining that no response is needed.

C. THE "RED FLAGS" -WARNINGS OF POSSIBLE IDENTITY THEFT

The Service through its Director and authorized billing personnel shall be alert to and act promptly and appropriately on the following "Red Flags" warnings of possible patient or responsible party identity theft.

1. Alerts, Notifications or Warnings from a Consumer Reporting Agency: If a Consumer Reporting Agency should happen to report the following type of activity to the Service in regard to a patient or a responsible paying party, the Service may wish to consider appropriate mitigation responses as described in “B. Prompt and Appropriate Response to Mitigate or Prevent Identity Theft” described supra: (a) a fraud or active duty alert on the patient or responsible party; (b) notice of credit freeze on the patient or responsible party; (c) notice of address discrepancy for the patient or responsible party; (d) a recent and significant increase in the volume of inquiries about the patient or the responsible party; (e) an unusual increase in the number of credit relationships for the patient or responsible party; (f) material change in the use of credit particularly in regard to newly created credit relationships for the patient or responsible party; (g) an account of the patient or responsible party was closed for cause or identified for abuse of account privileges by a financial institution.

2. Suspicious Documents: If the Service through its Director or authorized billing personnel should happen to receive suspicious documents of the types herein identified in regard to a patient or a responsible paying party, the Service may wish to consider appropriate mitigation responses as described in “B. Prompt and Appropriate Response to Mitigate or Prevent Identity Theft” described supra: (a) apparently forged or altered documents; (b) the photograph or physical description on the document is not consistent with that of the patient or as applicable the responsible party; (c) other information on the identification is inconsistent with other information provided; (d) other information on the identification documents is inconsistent with other information on the patient or responsible party that already exists in the Service’s files; (e) other documentation appears to be altered, forged , or destroyed and then reassembled.

3. Suspicious Personal Identifying Information : If the Service through its Director or authorized billing personnel should happen to receive suspicious identifying information that does not match external sources for the same information of the types herein identified in regard to a patient or a responsible paying party, the Service may wish to consider appropriate mitigation responses as described in "B. Prompt and Appropriate Response to Mitigate or Prevent Identity Theft" described supra: (a) the address does not match the address in other reports such as consumer credit reports; (b) the Social Security Number has not actually been issued or appears on the Social Security Administration's Master Death File; (c) date of birth range for the patient or responsible party do not match the appropriate range for the issuance for the Social Security Number; (d) the address given is fictitious, a mail drop, or prison; (e) the telephone number given is invalid or associated with a pager or answering service; (f) the SSN matches up with another patient or responsible party; (g) the address or telephone number matches up with another patient or responsible party; (h) not all of the necessary information to bill the patient or responsible party is provided; (i) personal identifying information does not match information already on file with the service; (j) when challenged to provide additional information beyond the most basic information the patient or responsible party cannot do so.

4. Unusual Use or Suspicious Activity Related to the Covered Account: If the Service through its Director or authorized billing personnel should happen to notice unusual activity related to an account in regard to a patient or a responsible paying party, the Service may wish to consider appropriate mitigation responses as described in "B. Prompt and Appropriate Response to Mitigate or Prevent Identity Theft" described supra: (a) a Consumer Reporting or Credit Reporting Agency reports an unusual increase in the volume of credit activity in regard to the patient or responsible party; (b) suddenly a patient or responsible party who has been paying regularly on account stops paying; (c) mail sent to the patient or responsible party is repeatedly returned as undeliverable; (d) the Service is notified that the patient or responsible party is not receiving paper statements; (e) the Service is notified that the patient or responsible party is getting a lot of unauthorized charges on credit cards or other similar accounts; (f) the Service is notified by a patient, responsible party, or law enforcement that the patient or responsible party currently has been deemed to be a victim of identity theft.

III. ADOPTION/ ACKNOWLEDGEMENT

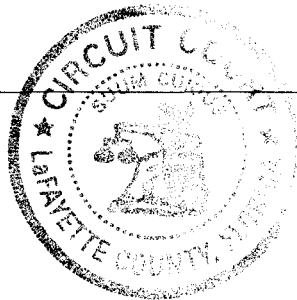
The Chair of the Board hereby acknowledges that this Policy was adopted on the date heretofore mentioned by a roll call vote of the Board.

Chair or President of the Board Curtis Hamlin

Date: April 27th in the year of 2009

Clerk of The Court *Roby Lynn*

Date: April 27th in the year of 2009



8

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the “keyfields” description sheet that has been given to your County Attorney’s Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (La Fayette) COUNTY ORDINANCE # (2009 - 03)
(e.g., 00-001)

PRIMARY KEYFIELD
DESCRIPTOR: (SEXUAL OFFENDERS AND PREDATORS)

SECONDARY KEYFIELD
DESCRIPTOR: (_____)

OTHER KEYFIELD
DESCRIPTOR: (_____)

ORDINANCE DESCRIPTION: (SEXUAL OFFENDERS RESTRICTIONS)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (_____) AMENDMENT # 2: (_____)

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: (_____) REPEAL # 3: (_____)

REPEAL # 2: (_____) REPEAL # 4: (_____)

(Others repealed: List all that apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()

KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()

KEYFIELD 3 CODE: () Rev. 4/10/01

LAFAYETTE COUNTY, FLORIDA

ORDINANCE NO. 2009-03

AN ORDINANCE RELATING TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR FINDINGS AND INTENT, DEFINITIONS; PROHIBITING SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM RESIDING WITHIN 2500 FEET OF ANY SCHOOL, DAYCARE CENTER, PARK, PLAYGROUND, BUS STOP, OR PUBLIC LIBRARY; PROVIDING EXCEPTIONS; PROHIBITING SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM BEING PRESENT, LOITERING OR PROWLING WITHIN A 100-FOOT BUFFER ZONE OF ANY SCHOOL BUS STOP, EXCEPT AS PROVIDED; REQUIRING LAW ENFORCEMENT OFFICERS TO AFFORD AN OPPORTUNITY TO EXPLAIN PRESENCE IN A PROHIBITED AREA; PROVIDING FOR MEASUREMENT OF DISTANCES, REQUIRING DECLARATION BY SEXUAL OFFENDERS AND SEXUAL PREDATORS UNDER CERTAIN CIRCUMSTANCES; REQUIRING PHOTO IDENTIFICATION; PROHIBITING PROPERTY OWNERS FROM RENTING TO SEXUAL OFFENDERS AND SEXUAL PREDATORS PROPERTY THAT LIES WITHIN 2500 FEET OF A SCHOOL, DAYCARE, PARK, PLAYGROUND, BUS STOP OR PUBLIC LIBRARY; PROVIDING FOR COMMUNITY AND PUBLIC NOTIFICATION; PROVIDING PENALTIES; PROVIDING FOR APPLICATION IN THE AREA IN LAFAYETTE COUNTY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners notes that there has been numerous occurrences within the State of Florida and the United States where convicted sexual offenders and predators are released from custody and thereafter commit similar crimes; and

WHEREAS, it appears that the recidivism rate for sexual offenders and sexual predators is alarmingly high, especially for those who commit crimes upon children; and

WHEREAS, the Legislature has found and determined that sexual offenders and sexual predators present an extreme threat to public safety; are extremely likely to use physical violence and to repeat their offenses; commit many offenses and have many more victims than are ever reported, and-are prosecuted for only a fraction of their crimes (See F.S.775.21(3)(a)); and

WHEREAS, the Legislature has found and determined that protection of the public from sexual offenders, particularly those who have committed offenses against minors, is a paramount governmental interest (See F.S. 944.606 (2)); and

WHEREAS, Florida law prohibits certain sexual predators and sexual offenders from residing within 1000 feet of any school, day care center, park, playground, or designated public school bus stop (See F.S. 794.065 and 947.1405); and

WHEREAS, the Florida Legislature passed House Bill 1877, commonly known as the "Jessica Lunsford Act," which was approved by Governor Jeb Bush on May 2nd, 2005, and codified as Chapter 2005-28, Laws of Florida; and

WHEREAS, the "Jessica Lunsford Act" will likely increase the number of offenders who will be designated as sexual offenders or predators and will require electronic monitoring of certain offenders and predators and will otherwise strengthen the State's efforts to control the cancer of child sexual victimization; and

WHEREAS, the "Jessica Lunsford Act" will likely increase the number of offenders who will be designated as sexual offenders or sexual predators and will require electronic monitoring of certain

offenders and predators and will otherwise strengthen the State's efforts to control the cancer of child sexual victimization; and

WHEREAS, Lafayette County is a family-oriented community which highly values its children and is a place that families with young children find highly desirable; and

WHEREAS, schools, day care centers, parks, playgrounds, and designated public school bus stops are places within Lafayette County that children are frequently and regularly located and involved in activities; and

WHEREAS, Lafayette County has a substantial and compelling interest in maintaining the quality of life and protecting the health, safety and welfare of citizens at schools, daycare centers, parks, playgrounds, and public school bus stops to engage in positive educational, economic and social activities, and has a substantial and compelling interest in allowing the citizens to gainfully and productively use and enjoy the facilities in these areas and communities without victimization at the hands of a sexual offender or sexual predator; and

WHEREAS, individuals have a significant interest in being able to travel and associate freely in all areas of Lafayette County, except during times of a public safety emergency, such as natural or manmade disasters; and

WHEREAS, it is in the public interest to exclude certain sexual offenders and sexual predators from the areas surrounding schools, daycare centers, playgrounds, and public bus stops; and

WHEREAS, certain exceptions must be made to the blanket prohibition against sexual offenders and sexual predators traveling to, through and being in the area of schools, daycare centers, parks, playgrounds, and public school bus stops; and

WHEREAS, Lafayette County desires to ensure that the citizens of the county are protected from criminal activity to the maximum extent afforded by controlling law in order to advance the public health, safety and welfare, and benefit the citizens of Lafayette County to the maximum extent possible; and

WHEREAS, the County is not prohibited from acting on the subject matter of this Ordinance and the provisions of the Ordinance are not preempted by and are consistent with State law; and

WHEREAS, this Ordinance is enacted under the general home rule and law enforcement powers of Lafayette County and is not a zoning Ordinance or a land development regulation; and

WHEREAS, Lafayette County has complied with all requirements and procedures of Florida law in processing, noticing and advertising this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA:

Section 1. Legislative Findings. The above recitals represent the Legislative findings of the Board supporting the need for this Ordinance.

Section 2. Definitions.

"Child" - A person younger than 18 years of age.

"Day Care Center" -Any family or child care facility registered with or licensed by the State of Florida pursuant to Chapter 402, F.S. For the purposes of the Ordinance, a day care center includes the parking lot, cartilage, yards, landscaped areas, playgrounds, accessory buildings and all outdoor areas of the facility. It is the intent to include all areas reasonably included in and part of the facility.

"Park" --A publicly owned or operated area used or available for the public's use as a recreational facility, including, by way of example and not limitation, linear parks and the state, county and municipal recreational trails systems.

"Permanent Residence" -A place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

"Playground" -An established or dedicated outdoor area for public recreation and play, including, by way of example and not limitation, soccer fields, baseball diamonds, football fields and locations with outdoor equipment, such as, by way of example and not limitation, swing sets, climbing apparatus and slides.

"Public School Bus Stop" -Locations or areas established by the Lafayette County School Board where school children are generally picked up for transportation to school or dropped off after school.

"School" -Any public or private school as defined in F.S. 1000.04 (1) and F.S. 1002.01(2004), excluding facilities dedicated exclusively to the education of adults.

"Sexual Offender" -As defined in F.S. 944.606(1) and for purposes of this Ordinance, whose victim was, at the time of the offense, less than sixteen (16) years of age.

"Sexual Predator"-As defined in F.S.775.21, as may be amended in the future.

"Temporary Residence" -Any place where a person may abide, lodge or reside for a period of fourteen (14) or more days in the aggregate during any calendar year and that is not that person's Permanent Residence; or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

"Temporary Shelter" -Any public or private building or facility which is offered to individuals and families who are homeless or who evacuate their homes or a hotel, motel, or other place of temporary residence as a result of any storm, flood, hurricane, tornado, explosion, fire, or other incident of any nature as a place to reside, rest, sleep, or eat.

Section 3. Sexual Offenders and Sexual Predators.

Section 3.1 Prohibited Residences of Sexual Offenders and Sexual Predators. It is prohibited and unlawful for any sexual offender or sexual predator to abide, lodge, or reside in a permanent or temporary residence located within unincorporated Lafayette County when such residence is located within 2500 feet of any school, day care center, park, playground, bus stop, or public library regardless of whether the school, day care center, playground, park or public library lies within the jurisdictional limits of Lafayette County.

A sexual offender or sexual predator abiding, lodging or residing in a permanent or temporary residence within 2500 feet of any school, day care center, park, playground, school bus stop, or public library does not commit a violation of this section provided the sexual predator or sexual

(where parental rights have not been terminated) regarding their legal children, stepchildren or grandchildren in accordance with rules and regulations of such facilities;

- (c) Be gainfully employed or as part of duties imposed by gainful employment; and
- (2) No sexual offender or sexual predator shall during school days be present, loiter or prowl within a 100 foot buffer zone of any public school bus stop as designated by the Lafayette County School Board except:
- (a) As necessary to drop off or pick up the sexual offender or sexual predator's own child, stepchild, or grandchild;
 - (b) Such person's lawful residence, business or employment is lawfully located within the 100-foot buffer zone;
 - (c) When lawfully traveling upon a public or private roadway within the 100-foot buffer zone; and
 - (d) Coming to a child's aid in the event of a safety or medical emergency.

At no time shall a Sexual Offender or Sexual Predator have any physical contact or communicate in any manner with any child who is not their own child, stepchild or grandchild at any designated public school bus stop.

A law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to explain his or her presence in the area and the purpose thereof. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have authorized the person to be in the area pursuant to one of the exceptions listed above.

Section 3.3 Measurement of Distance. For purposes of measuring separation of a residence from a school, day care center, park, playground, or

public school bus stop, all distances shall be measured from the outermost property line of the parcel upon which the residence is located running in a direct line to the outermost property line of the school, day care center, park, playground, or public bus stop. For example, if the residence is located in a generally southwesterly directive from a park, then the measurement would be from the northeast corner of the residential parcel to the southwest corner of the park. For all other purposes, measurements shall run from the outermost property line of the school, day care center, park, playground or public school bus stop.

Section 3.4 Required Declaration or Status as a Sexual Offender or Sexual Predator.

- (1) Any person who is required by Florida law to register as a sexual predator or sexual offender and who utilizes or intends to utilize a temporary shelter provided by any public or private entity and established as a result of any emergency or incident or threatened emergency or incident shall, immediately upon entering the shelter, notify the individual or individuals operating the shelter that he or she is a registered sexual offender or sexual predator. The sexual predator or sexual offender may be assigned to a temporary shelter specifically designated for use by sexual predators and sexual offenders.
 - (a) The County may designate a public building, a jail, or other correctional facility as a temporary shelter to be utilized by sexual predators and sexual offenders.
 - (b) The Sheriff shall assign law enforcement personnel to be present at the temporary shelter.
 - (c) Nothing in the Ordinance shall be construed to provide or

require temporary shelter to non-Lafayette County residents. non-Lafayette County residents will notify the Lafayette County Sheriff's Office before registration at the shelter or within one (1) hour of being present at the shelter.

- (d) Failure of a Sexual Offender or Sexual Predator to make notification as required in above sections shall constitute a violation of this ordinance punishable as provided herein.
- (2) The temporary shelter may post in a conspicuous place at the shelter a notice of this Ordinance and its requirements whereupon all persons entering the temporary shelter shall be presumed to have adequate notice of requirements of this Ordinance.
- (3) A sexual offender or sexual predator attending any school or day care function, must declare his or her status as a sexual offender or sexual predator with the school principal or other appropriate person immediately upon entering the school property or daycare facility.

Section 3.5 Photo Identification Card. All persons required by Florida law to be registered as a sexual offender or sexual predator shall carry at all times a valid Florida Drivers License or Florida Identification card. Such card shall include offenders name, date of birth, current address and picture.

Section 3.6 Prohibition on Rentals and Leaseholds. Except as provided in Section 3.1, it is unlawful for a property owner to knowingly and intentionally with actual knowledge and after being made aware the person is a sexual predator or sexual offender let or rent any place, structure, or part thereof, to a sexual offender or sexual predator, with

the knowledge that it will be used as a permanent or temporary residence, of such place, structure, or part thereof, is located within 2500 feet of any school, day care center, park, school bus stop, or public library. In any prosecution for a violation of this section it must be shown:

- (1) That the property owner knowingly and intentionally with actual knowledge and after being made aware the person is a sexual predator or sexual offender let or rented the premises to a person who was a registered sexual offender or sexual predator; and
- (2) The property owner had actual knowledge that the place, structure or part thereof would be used by the registered sexual predator or sexual offender as a permanent or temporary residence of property located within a residential zoning classification.

Nothing herein shall be deemed to require the property owner to make any independent determination whether the person is a sexual predator or sexual offender.

Section 3.7 Community and Public Notification. Law

Enforcement agencies within the County shall inform members of the community and the public of a sexual predator's presence in accordance with Florida Statute 775.21(7). Upon notification of the presence of a sexual predator or a sexual offender, the Sheriff of the County where the sexual offender or sexual predator establishes or maintains a permanent or temporary residence shall notify members of the community and the public of the presence of the sexual predator or sexual offender in a manner deemed appropriate by the Sheriff, including but not limited to reverse 9-1-1 procedures. Within forty-eight (48) hours after receiving notification of the presence of a sexual predator, the Sheriff of the County where the sexual predator temporarily or permanently

resides shall notify each licensed daycare center, elementary school, middle school and high school within a one mile radius of the temporary or permanent residence of the sexual predator. Information provided to members of the community and public regarding a sexual predator shall include:

- (1) The name of the sexual predator
- (2) A description of the sexual predator, including a photograph
- (3) the sexual predators current address, including the name of the county or municipality, if known
- (4) the circumstances of the sexual predator's offense or offenses; and
- (5) whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.

This does not authorize the release of the name of any victim of the sexual predator.

Section 4. Penalties. Any person or entity who violates any provision Of this Ordinance shall be subject to any and all remedies available at law, including but not limited to, the code enforcement provisions of Chapter 162, Florida Statutes.

Alternatively, or in addition thereto, any person violating any of the Provisions of Section 3 of this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) or by imprisonment in the County jail not to exceed (60) days or by both such fine and imprisonment, or if the offender is supervised by the Department of

Corrections under Conditional Release, the offender may be charged with a violation of his or her supervision and be returned to state custody.

Section 5. Application. This ordinance shall apply in Lafayette County.

Section 6. Enforcement. The provisions of this ordinance may be enforced by the Lafayette County Sheriffs Office or other law enforcement agencies having jurisdiction.

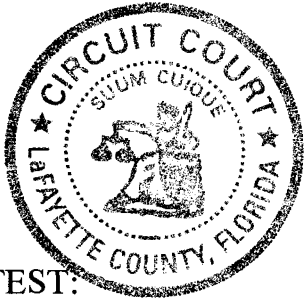
Section 7. Conflicts. All Ordinances, Resolutions, Land Development Regulations, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Severability. If any section or portion of this ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

Section 9. Codification. The provisions of this ordinance shall be codified as and become and be made a part of the Lafayette County Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance" or similar words, may be changed to "Section," "Article," or other appropriate word.

Section 10. Effective Date. This Ordinance shall become effective upon receipt of official acknowledgement by the Clerk of the Board of County Commissioners from the Department of the State that this Ordinance has been filed with the Department of State.

ADOPTED in regular session the **27th** day of **April, A.D., 2009**.

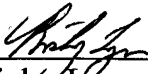


**BOARD OF COUNTY COMMISSIONERS,
LAFAYETTE COUNTY, FLORIDA**



CURTIS O. HAMLIN, Chairman

ATTEST:



Ricky Lyons, Clerk of Court

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